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Orthopedics, LLC (sued erroneously as "Biomet  
11 Orthopedics, Inc."), Biomet, Inc., Biomet  
Manufacturing Corporation, and Boracchia +  
12 Associates

13 UNITED STATES DISTRICT COURT  
14 EASTERN DISTRICT OF CALIFORNIA  
15

16 RICHARD MILLER, JANE MILLER,

17 Plaintiffs,

18 vs.

19 BIOMET ORTHOPEDICS, INC., BIOMET,  
INC., BIOMET MANUFACTURING CORP.,  
20 BORACCHIA + ASSOCIATES, AND DOES 1  
THROUGH 25, inclusive,

21 Defendants.  
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Case No. 2:13-cv-00450-TLN-DAD

**STIPULATION AND ORDER STAYING  
PROCEEDINGS PENDING TRANSFER  
TO MULTIDISTRICT LITIGATION**

Honorable Troy L. Nunley

1 Plaintiffs Richard Miller and Jane Miller (“Plaintiffs”) and Defendants Biomet Orthopedics,  
2 LLC,<sup>1</sup> Biomet, Inc., Biomet Manufacturing Corporation (“Biomet Defendants”), and Boracchia +  
3 Associates (collectively “Defendants”), by and through the undersigned counsel, stipulate to and  
4 respectfully request a stay of all proceedings pending the transfer of this action to the multidistrict  
5 litigation *In re: Biomet M2a Magnum Hip Implant Prods. Liab. Litig.*, MDL No. 2391, before the  
6 Honorable Robert L. Miller, Jr. in the Northern District of Indiana (“MDL No. 2391”). This  
7 stipulation is without prejudice to Plaintiffs renewing their Motion to Remand this case to state court  
8 currently pending in this proceeding.

9 In support of this stipulation the Parties state as follows:

10 1. On November 30, 2012, Plaintiffs commenced this action by filing a Complaint in the  
11 Superior Court of the State of California for the County of Sacramento, alleging personal injuries  
12 caused by an M<sup>2</sup>a-38™ Hip System sold by the Biomet Defendants. Thereafter, the Biomet  
13 Defendants timely removed this action to this Court based on diversity of citizenship under 28  
14 U.S.C. § 1332. On April 4, 2013 the Plaintiffs filed a Motion to Remand this action to state court,  
15 which Defendants intend to oppose. Plaintiffs’ Motion is currently set for hearing on June 20th  
16 2013, and Defendants’ last day to file any opposition to Plaintiffs’ Motion is June 6th, 2013.

17 2. On October 2, 2012, the Judicial Panel on Multidistrict Litigation (“JPML”) issued a  
18 transfer order establishing the multidistrict litigation proceedings titled *In re: Biomet M2a Magnum*  
19 *Hip Implant Prods. Liab. Litig.*, MDL No. 2391. The Transfer Order directed pursuant to 28 U.S.C.  
20 § 1407 that product liability cases involving Biomet M<sup>2</sup>a-38™ and M<sup>2</sup>a-Magnum™ Hip Systems<sup>2</sup> be  
21 transferred to the United States District Court for the Northern District of Indiana for coordinated  
22 pretrial proceedings before the Honorable Robert L. Miller, Jr. On May 7, 2013, the Biomet  
23 Defendants notified the JPML of this case, and on May 9, 2013 the JPML issued a Conditional  
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27 <sup>1</sup> Plaintiffs’ Complaint erroneously names Biomet Orthopedics, Inc. as a defendant, but there is no  
legal entity known as Biomet Orthopedics, Inc.

28 <sup>2</sup> The JPML has since issued a Transfer Order directing that product liability actions involving  
Biomet M<sup>2</sup>a™-Taper Hip Systems also be transferred and coordinated in MDL No. 2391.

1 Transfer Order, conditionally transferring this action to MDL No. 2391 for coordinated pretrial  
2 proceedings. The Parties anticipate that this action will shortly be transferred to MDL No. 2391.  
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5 3. The Parties have agreed to conduct pretrial proceedings in this action in the MDL No.  
6 2391 in the Northern District of Indiana and that the case will be transferred to MDL No. 2391  
7 pursuant to 28 U.S.C. § 1407. The Parties further agree that once pretrial proceedings in the  
8 Northern District of Indiana are complete, this action will be remanded to the Eastern District of  
9 California.

10 Based on the forgoing, the Parties stipulate to and respectfully request that the Court stay all  
11 proceedings in the above captioned action. This stay and the agreed-to transfer are without prejudice  
12 to Plaintiffs renewing their Motion to Remand at a later date.  
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15 DATED: May 13, 2013

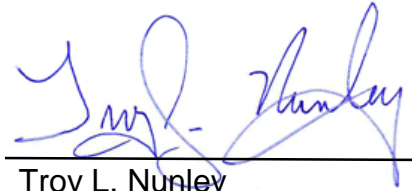
/s/ Lawrence S. Paikoff (as authorized on 05/13/2013)  
Lawrence S. Paikoff  
Law Offices of Lawrence S. Paikoff  
Attorneys for Plaintiffs

18  
19 DATED: May 13, 2013

/s/ Steven J. Boranian  
Steven J. Boranian  
Reed Smith LLP  
Attorneys for Defendants

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
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3 DATED: May 15, 2013  
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8 Troy L. Nunley  
9 United States District Judge  
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